



REPORT FOR ACTION WITH CONFIDENTIAL ATTACHMENT

158 Park Lawn Road - Appeal of OPA 231 - LPAT Hearing

Date: June 13, 2018
To: City Council
From: City Solicitor
Wards: All

REASON FOR CONFIDENTIAL INFORMATION

This report is about litigation or potential litigation that affects the City or one of its agencies or corporations.

SUMMARY

Down 2 Earth, the owner of the property municipally known as 158 Park Lawn Road (the "Property"), has appealed Official Plan Amendment 231 (OPA 231) as it applies to the property to the Local Planning Appeal Tribunal (LPAT). City Council adopted OPA 231 policies for the entire city following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. The City Solicitor requires further directions for an upcoming LPAT pre-hearing conference.

RECOMMENDATIONS

The City Solicitor recommends that:

1. City Council adopt the confidential instructions to staff in Confidential Attachment 1.
2. If the confidential instructions in Confidential Attachment 1 are adopted, City Council authorize the public release of:
 - a. the recommendations contained in the Confidential Attachment 1, with the remainder of the Confidential Attachment 1 to remain confidential, as it contains advice subject to solicitor-client privilege; and
 - b. Confidential Attachment 2.

FINANCIAL IMPACT

There is no financial impact arising from the above recommendations.

DECISION HISTORY

At its meeting on December 16, 17 and 18, 2013, City Council adopted OPA 231 with respect to the economic health policies and the policies, designations and mapping for *Employment Areas* following the Five-Year Official Plan and Municipal Comprehensive Reviews regarding employment lands. The City's decision can be accessed at this link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG28.2>

The Minister approved the majority of OPA 231 with some modifications in July 2014. The LPAT received a total of 178 appeals to OPA 231, including an appeal by Down 2 Earth on July 28, 2014. The LPAT has issued two Orders partially approving OPA 231. The December 2016 Order brought into force the *Core Employment Areas* and *General Employment Areas* designations, except for sites under appeal and regarding particular uses that remain contested. LPAT Decisions can be accessed at this link:

<https://www.omb.gov.on.ca/ecs/CaseDetail.aspx?n=PL140860>

COMMENTS

Although under appeal, 158 Park Lawn Road is designated *Core Employment Areas* in OPA 231, a land use designation that applies, for the most part, to lands geographically located within the interior of employment areas. Uses that would attract the general public into the interior of employment areas and possibly disrupt industrial operations are generally not permitted in *Core Employment Areas*. OPA 231 also introduced Site and Area Specific Policy (SASP) 459 for the property. The SASP permits one caretaker's unit on the property at a size not to exceed 158 square metres (1,700 square feet).

158 Park Lawn Road is located on the west side of Park Lawn Road, south of The Queensway and close to the Park Lawn Road ramp of the Gardiner Expressway. Park Lawn Road is a Major Street in Map 3 of the Official Plan and has a planned right-of-way width of 27 metres.

The property is approximately 0.31 hectares in size and is occupied by a 2-storey structure of about 316 square metres and a four (4) vehicle garage. About 158 square metres of the ground floor of the existing building is used for office and retail purposes for a garden centre. The 158 square metre second floor is used for residential purposes by the operator of the garden centre. The majority of the garden centre's landscaping materials and plants are stored outside.

The retail garden centre, the residential dwelling, and the seasonal outdoor garden centre are permitted by way of a December 2011 Committee of Adjustment decision that approved the extension to a minor variance with conditions. A condition of the approval was that it be valid for a period of 10 years, expiring on December 31, 2021.

No development applications have been submitted for this property.

This report requests direction from City Council for an upcoming prehearing conference scheduled by the LPAT.

CONTACT

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SIGNATURE

Wendy Walberg
City Solicitor

ATTACHMENTS

Confidential Attachment 1 - Confidential Instructions to Staff and Confidential Advice
Subject to Solicitor-Client Privilege

Confidential Attachment 2 - Confidential Information